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**TERMINAL DISCLAIMER TO OBLIGATE A  
PROVISIONAL DOUBLE PATENTING REJECTION  
OVER A PENDING SECOND APPLICATION**

Docket No. B0004/7519

|            |  |
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| Applicant: | Markus Kostrewa, Thomas Fröhlich, Thomas Wenzel, Andres Jaschke and Felix Hausch |
| Serial No: | 10/079,043   |
| Filed:     | February 20, 2002  |
| For:       | MUTATION ANALYSIS BY MASS SPECTROMETRY USING PHOTOLYTICALLY CLEAVABLE PRIMERS    |
| Examiner:  | A. Chakrabarti   |
| Art Unit:  | 1634   |

The owner, Bruker Daltonik, GmbH (parent to former subsidiary Bruker Saxonia GmbH) of a one hundred percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/079,271. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

- For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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- The undersigned is an attorney of record.
- Terminal disclaimer fee under 37 C.F.R. 1.20(d) is included.

Respectfully submitted,

  
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Date: November 10, 2003